

PUBLIC HEARING DOCUMENT

for

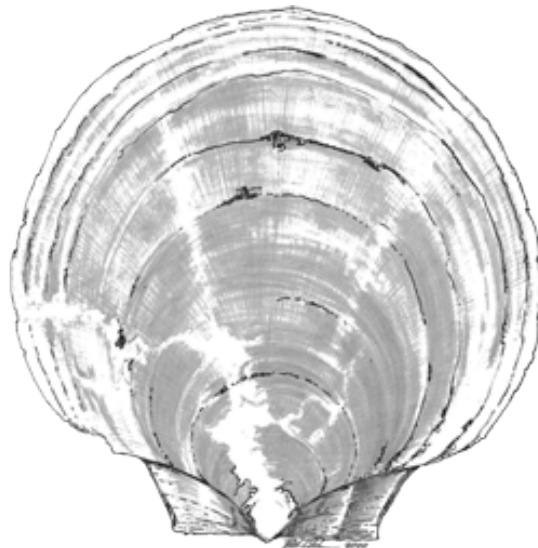
AMENDMENT 19

to the

Fishery Management Plan (FMP)

for

Atlantic Sea Scallop



Prepared by the

New England Fishery Management Council

Amendment 19 Public Hearing Schedule

The New England Fishery Management Council (NEFMC) is conducting public hearings to solicit comments on Draft Amendment 19 to the Atlantic Sea Scallop Fishery Management Plan (FMP). These hearings are being scheduled in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. Following these hearings, additional opportunities for review and comment on Amendment 19 and Draft Environmental Assessment may be provided by the National Marine Fisheries Service (NMFS) in accordance with the National Environmental Policy Act.

Date, City, and Time	Location
Via Webinar Monday, November 16, 2015 10:00 am – 12:00 p.m.	Webinar Hearing Register to participate: https://global.gotomeeting.com/join/682428445 Call in info: Toll: +1 (872) 240-3412 Access Code: 682-428-445
Warwick, RI Wednesday, November 18, 2015 6:00 p.m. – 8:00 p.m.	Radisson Airport Hotel 2081 Post Road Warwick, RI 02886 Telephone: (401) 739-3000

New England Council staff will brief the public on the sea scallop amendment prior to opening the hearing for public comments. The NEFMC Draft Amendment 19 document and this public hearing document are available on the Council's website (<http://www.nefmc.org/library/amendment-19-1>), or may be obtained by contacting the Council office at (978) 465-0492.

Written comments on Draft Amendment 19 must be received on or before 5 p.m. EST, Friday, November 20, 2015.

Comments may be sent to: John K. Bullard, Regional Administrator, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, Fax: 978-281-9135

Email: NMFS.GAR.scallopamend19@noaa.gov Please note on your correspondence; "Comments on Scallop Amendment 19."

Directions to the above public hearings are available by contacting the Council Office.

AMENDMENT 19 TO THE SCALLOP FMP: PUBLIC HEARING DOCUMENT

Why is the Council developing Amendment 19?

This action is under development to address one specific issue that has existed in the sea scallop fishery for some time, late implementation of fishery specifications. For various reasons sea scallop fishery specifications are rarely in place on or before March 1, the start of the federal scallop fishing year. This can cause negative impacts on the scallop fishery and resource, as well as administrative challenges. This action is considering a range of alternatives to enable scallop specifications to be implemented closer, if not for the start of the fishing year.

The primary need of this amendment is to improve the Scallop FMP regulations so that fishery specifications are better aligned with the start of the scallop fishing year. The primary purpose or objective of this action is to amend scallop regulations to: 1) reduce potential economic and biological consequences from late implementation of specifications, and 2) reduce overall administrative burden associated with late implementation.

<i>Need for Amendment 19</i>	<i>Corresponding Purposes for Amendment 19</i>
To improve the Scallop FMP so that fishery specifications are better aligned with the start of the scallop fishing year	<ul style="list-style-type: none"> • Amend scallop regulations to reduce potential economic and biological consequences from late implementation of specifications • Amend scallop regulations to reduce overall administrative burden associated with late implementation

What is the timeline for completing Amendment 19?

The Council is conducting public hearings in mid-November 2015 to solicit comments on the management measures under consideration in Amendment 19 to the Sea Scallop FMP. The Council will be accepting public comments on the Draft Amendment 19 document through November 20, 2015. This document summarizes the management measures under consideration as well as the expected impacts of the measures. The larger, more comprehensive Draft Amendment document, is available from the Council’s website (<http://www.nefmc.org/library/amendment-19-1>).

The Council is scheduled to make final recommendations on this action at the December 2015 Council meeting. When selecting final management measures for inclusion in Amendment 19, the Council will review and consider *all* public comments – those received during the Council’s public hearings as well as any additional comments received during the comment period on the Amendment 19 DEA. The Council will also consider comments and recommendations from its Scallop Committee, Scallop Advisory Panel, and Scallop Plan Development Team.

If approved by NMFS, Amendment 19 is expected to be implemented in 2016.

**What
management
measures are
under
consideration in
Amendment 19?**

There are three alternatives under consideration in Amendment 19.

- **Alternative 2.1 – No Action**

The No Action for setting scallop fishery specifications is by framework action at least biennially, with default measures that are implemented at the start of the year and are later replaced by a subsequent action. Under No Action the start of the fishing year is March 1. The estimate of total timeframe for this alternative from development to implementation is 46-49 weeks.

- **Alternative 2.2 – Develop a specification setting process in the Scallop FMP**

This alternative would include a new specifications setting process that would enable the Council to set fishery allocations under a specification process, and not require development of a formal framework action to set fishery allocations. The intent of this process is that it be more streamlined so the measures would be limited to fishery allocations only. Other adjustments such as allocations for the observer and research set-aside programs can have policy implications that could slow down the development and review of an action; therefore, would be outside the scope of a specifications process. The estimate of total timeframe for this alternative from development to implementation is 39-43 weeks.

- **Alternative 2.3 – Change the start of the fishing year to April 1**

The start of the scallop fishing year would change from March 1 to April 1. The fishing year would continue to be a 12-month period, ending on March 31, rather than February 28/29. This measure is expected to reduce administrative burdens associated with late implementation of final measures. The overall timeframe for this alternative is the same as No Action; however, combined with Alternative 2.2 this alternative could provide an overall time savings.

What are the impacts of the measures under consideration in Amendment 19?

The impacts of the management alternatives under consideration in Amendment 19 are assessed and discussed relative to each of the valued ecosystem components (VECs) in the Amendment 19 document. The VECs for consideration in Amendment 19 include: Atlantic Sea scallop; Physical Environment and Essential Fish Habitat (EFH); Protected Resources; Fishery-Related Businesses and Communities; and Non-target species and fisheries. VECs represent the resources, areas, and human communities that may be affected by the management measures under consideration in this amendment.

The impacts of the measures under consideration in Amendment 19 on each of the VECs are generally summarized in this public hearing document. Much of the detailed analyses to support the development of the alternatives under consideration in Amendment 19 were provided by the Scallop PDT and form the basis for determining the potential impacts of the measures on each of the VECs. The complete analyses are included in Section 5.0 of the Amendment 19 document. The no action alternative represents status quo conditions for the Atlantic sea scallop fishery management program and forms the basis for comparison and assessment of all management alternatives under consideration.

Atlantic Sea Scallop: Under No Action, specifications are typically not in place at the start of the fishing year and these delays can have negative impacts on the scallop resource because scallop meat weights are generally higher at the beginning of the season and decrease in the fall and winter. Increased fishing time can have negative impacts on the resource from increased incidental and discard mortality if it takes vessels longer to harvest the same poundage of scallops. Under Alternative 2.2 a specification process would be implemented which could have low negative impacts on the resource (if measures are still implemented after the start for the fishing year) to low positive (if they are implemented earlier), and neutral to low positive compared to No Action. Finally, Alternative 2.3 would move the start of the fishing year to April 1, which is expected to have low positive impacts on the resource if there is a surge of effort at the start of the fishing year since April has generally higher meat yields compared to most other months.

Physical Environment and Essential Fish Habitat: Under No Action, the current approach of framework adjustment action/March 1 fishing year does not appear to be generating substantial positive or negative impacts on EFH; however, increased area swept can have potentially negative impacts on benthic communities if vessels fish longer to harvest the same poundage of scallop meat. Alternative 2.2 is expected to have neutral to low positive impacts on EFH because the ultimate allocations for the year would be the same (so neutral impacts) but if vessels have more time to fish their annual allocation the added flexibility may reduce fishing time if fished earlier in the year. In general, Alternative 2.3 is expected to have neutral impacts on EFH because annual allocations would be the same; if combined with Alternative 2.2 neutral to low positive impacts are expected if area swept is reduced.

Protected Resources: Under No Action delays can have negative impacts on protected resource, namely sea turtles. If allocations for Mid-Atlantic access areas are implemented later in the year the risk of vessels interacting with turtles is higher because turtles primarily overlap scallop fishing areas in the summer and early fall. Under Alternative 2.2 it is possible that allocations may be available earlier in the year if specification packages are more streamlined than framework actions. If more effort in the MA takes place in the spring compared to the summer and fall there could be positive impacts on turtles. Under Alternative 2.3, if the framework process is maintained it is possible that specifications will not be in place for April 1; therefore, on its own, this alternative is expected to have similar low negative to negative impacts on protected species as described in No Action

because delays in implementation are still expected under a framework process. If adopted with Alternative 2.2 the impacts could be positive if specifications are available on April 1 and vessels fish MA access area effort earlier in the season when fewer turtles are generally in the area compared to later in the season.

Fishery-Related Businesses and Communities: Under No Action there is reduced flexibility for vessels due to delays, which can have negative impacts on the fishery from reduced revenues and on consumers if prices are impacted. Increased uncertainty and confusion can have negative impacts on business planning as well. If flexibility is improved under Alternative 2.2 then impacts could be low positive by reducing delays. Under Alternative 2.3, starting the fishing year one month later would require some change in business planning and create some risks having March at the end of the fishing season. Any negative effects of this change are expected to be minimal and decline over time as businesses adjust. There could be positive impacts on the fishery if all allocations are known and available at the start of the fishing season (April 1).

Non-Target Species and Other Fisheries: Under No Action, if delays cause vessels to increase area swept there could be negative impacts on bycatch of non-target species if gear is fishing longer. However, in general the timing of specifications does not change the overall magnitude of the fishery in terms of adverse effects on bycatch since the same number of DAS, access area trips, and IFQ allocations will ultimately be allocated for the year whether they are available in March, April, or later in that fishing year. The impacts of these delays in terms of seasonal distributional effects are complex to evaluate because fishing behavior is difficult to predict and there are measures in place that afford flexibility and enable vessels to shift effort seasonally. If there are fewer delays under Alternative 2.2 there could be low positive impacts on bycatch if area swept is lower. Alternative 2.3 is expected to have neutral impacts on bycatch because overall allocations for the year would ultimately be the same. If this alternative reduces area swept compared to No Action then there could be positive impacts on bycatch, but they would be low because this alternative only shifts the start date by one month so the magnitude of any effort shifts is minimal.

Potential Impacts of the Alternatives to the Fishery Management Plan				
Measure Description	Atlantic Sea Scallop	Essential Fish Habitat and Non-target Species/Fisheries	Protected Resources	Fishery Related Businesses and Communities
Alternative 2.1 No Action Specs by FW and March 1 start date	Low negative	Low negative to neutral	Negative	Low negative
	Scallop meat weights are generally higher at the beginning of the season and decrease in the fall and winter. If it takes a vessel longer to harvest the same poundage, increased fishing time can have negative impacts on the resource from increased incidental and discard mortality.	The current approach of framework adjustment action/March 1 fishing year does not appear to be generating substantial positive or negative impacts on EFH or bycatch; however, increased area swept can have potentially negative impacts on benthic communities and bycatch if vessels fish longer to harvest the same poundage of scallop meat.	Delays can have negative impacts on protected resource, namely sea turtles. If allocations for Mid-Atlantic access areas are implemented later in the year the risk of vessels interacting with turtles is higher because turtles primarily overlap scallop fishing areas in the summer and early fall.	Under No Action there is reduced flexibility for vessels due to delays, which can have negative impacts on the fishery from reduced revenues and on consumers if prices are impacted. Increased uncertainty and confusion can have negative impacts on business planning as well.
Alternative 2.2 Specification Process Specs can be implemented by spec action	Low negative to low positive	Neutral to Low positive	Positive	Low positive
	The range of impacts from this alternative is low negative (if measures are still implemented after the start for the fishing year) to low positive (if they are implemented earlier), and neutral to low positive compared to No Action	If there are fewer delays there could be low positive impacts on EFH and bycatch if area swept is lower.	If allocations are available earlier in the year more MA effort could take place in the spring compared to the summer and fall when turtles overlap with scallop fishing grounds thus potentially positive impacts on turtles.	If flexibility is improved, impacts could be low positive by reducing delays.
Alternative 2.3 Change FY to April 1 Start of FY shifts from March 1 to April 1	Low positive	Neutral to Low positive	Low negative to Negative	Low positive
	If there is an increase of effort at the start of the fishing year, April has higher meat weights than March.	Overall neutral impacts on EFH and bycatch because overall allocations for the year would ultimately be the same. If this alternative reduces area swept then there could be potentially positive impacts on bycatch, but they would be low. The shift of one month is not expected to have major impacts on seasonality affects.	If the FW process is maintained it is possible that specifications will not be in place for April 1; therefore, on its own, this alternative is expected to have similar low negative to negative impacts because delays are still expected under a FW. If adopted with Alt. 2.2 the impacts could be positive.	Starting the FY one month later would require some change in business planning and create some risks having March at the end of the fishing season. There could be positive impacts on the fishery if all allocations are known and available at the start of the fishing season